

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: JAMES TALIENTO

Case No.: 22-41401

**MOTION TO CONVERT CHAPTER 7 CASE TO
CHAPTER 13**

DATE:

TIME:

JUDGE: ELIZABETH S. STONG

Chapter 7 Debtor(s).

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JAMES TALIENTO, Debtor herein, moves for an order converting this case from a case under Chapter 7 to a case under Chapter 13 of the Bankruptcy Code, and would show this Honorable Court the following:

1. The debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on June 17, 2022 and the case has not been converted under section 706(a) or 1112(a) of the Code. The debtor seeks to convert this case from a case under Chapter 7 to a case under Chapter 13 under 11 U.S.C. §706(a).
2. Debtor is eligible to be a Debtor under Chapter 13 of the Bankruptcy Code in that the Debtor is an individual with regular income as the term is defined in title 11 of the Code. Debtor is currently employed by the Department of Sanitation in the city of New York. Since filing the Chapter 7 case, debtor's overtime has increased and his non filing spouse's income has also increased and is able to fund a Chapter 13 plan so is converting this case to a Chapter 13. Moreover, the Debtor is borrowing a large lump sum of money from family to further the feasibility of the Chapter 13 plan.
3. The Debtor intends to file a Chapter 13 plan within such time as provided by the Rules.

WHEREFORE, Debtor prays for an order converting this case from a case under Chapter 7 to a case under Chapter 13.

DATED: October 12, 2022

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JAMES TALIENTO

Pasquale Calcagno

PASQUALE CALCAGNO, ESQ.
Attorney for Debtor